

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MILWAUKEE ELECTRIC TOOL
CORPORATION, et al.,

Plaintiffs,

v.

SHOOK, HARDY & BACON L.L.P.,
MCDERMOTT WILL & EMERY LLP,

Defendant.

Case No. TBD

**DECLARATION OF SANJAY K. MURTHY
IN SUPPORT OF PLAINTIFFS' MOTION TO COMPEL**

I, Sanjay K. Murthy, declare as follows:

1. I am an adult resident of the State of Illinois, and an attorney with the law firm Morgan, Lewis & Bockius LLP. I am one of the attorneys representing Plaintiffs in the above-captioned matter.

2. I am also one of the attorneys representing Plaintiffs in a case pending in the Eastern District of Wisconsin, captioned *Milwaukee Electric Tool Corporation, et al. v. Snap-on, Incorporated*, 2:14-cv-01296-JPS.

3. Attached as Exhibit 1 hereto is a true and correct copy of the subpoena served on Shook Hardy & Bacon LLP ("SHB") on July 18, 2017.

4. Attached as Exhibit 2 hereto is a true and correct copy of the subpoena served on McDermott Will & Emery ("MWE") on July 18, 2017.

5. Attached as Exhibit 3 hereto is a true and correct copy of the Responses and Objection to Plaintiffs' Subpoena served by SHB on July 31, 2017.

6. Attached as Exhibit 4 hereto is a true and correct copy of the Objections and Responses of Third Party McDermott Will & Emery to Plaintiffs' Subpoena served on July 31, 2017.

7. Attached as Exhibit 5 hereto is a true and correct copy of the August 22, 2017 letter from George R. Dougherty regarding production of documents Bates number SNPON0079937-SNPON0080864.

8. Attached as Exhibit 6 hereto is a true and correct copy of the document produced at Bates number SNPON0079951.

9. Attached as Exhibit 7 hereto is a true and correct copy of the August 30, 2017 privilege log) served by counsel for SHB and MWE in connection with Plaintiffs' subpoenas.

10. Attached as Exhibit 8 hereto is a true and correct copy of the July 14th, 2016 Declaration of Dr. Ulrich von Sacken, which was submitted in the *inter partes* review challenging the '290 patent, IPR2015-01242 (Snap-on IPR Ex. 1360).

11. Attached as Exhibit 9 hereto is a true and correct copy of the document produced at Bates number SNPON0079937.

12. The first meet and confer was between Sanjay Murthy for Plaintiffs, Lynn Murray for SHB and Amol Parikh for MWE on August 11, 2017.

13. A second meet and confer was between Scott Sherwin for Plaintiffs, and counsel for SHB and MWE on August 28, 2017.

14. A final meet and confer was between Sanjay Murthy for Plaintiffs, and George Dougherty, counsel for SHB and MWE, on September 7, 2017 at 1PM EST.

15. At the September 7, 2017 meet and confer, counsel for Plaintiffs asked for confirmation that no unproduced or unlogged communications with Dr. Reimers existed.

16. Counsel for SHB and MWE, while believing everything was produced, was non-committal on whether there was additional correspondence.

17. Attached as Exhibit 10 hereto is a true and correct copy of the document produced at Bates number SNPON0080032.

18. Attached as Exhibit 11 hereto is a true and correct copy of e-mail correspondence between counsel for Plaintiffs and counsel for SHB and MWE.

19. Attached as Exhibit 12 hereto is a true and correct copy of e-mail correspondence between counsel for Plaintiffs and counsel for SHB and MWE.

20. Attached as Exhibit 13 hereto is a true and correct copy of e-mail correspondence between counsel for Plaintiffs and counsel for SHB and MWE.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 11th day of September, 2017.

/s/ Sanjay K. Murthy
Sanjay K. Murthy